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ONE HUNDRED NINTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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April 13, 2005

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Honorable Scott J. Bloch
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Dear Mr. Bloch:

On October 20, 2004, the Washington Post ran a story describing how then-National Security Advisor Condoleezza Rice had been giving what appeared to be campaign speeches in battleground states during the final eight weeks before the Presidential election. Glenn Kessler, "Rice Hitting the Road to Speak", Washington Post, October 20, 2004, at A2. That same day, I wrote to you, requesting that the Office of Special Counsel conduct an investigation into whether Dr. Rice's activities violated the Hatch Act. As you know, while the Hatch Act does not prohibit employees who are paid by appropriations from the White House from engaging in political activity on duty and during work hours, the costs associated with such political activity may not come out of the United States Treasury.

According to a recent complaint filed by certain non-profit organizations and anonymous OSC employees, my request for an investigation of Dr. Rice's activities received unusual treatment, particularly as compared to a matter involving a July 26, 2004 visit by Senator Kerry to the Kennedy Space Center in Florida which was alleged to violate the Hatch Act. Specifically, according to the complaint, when my letter came in, you did not refer the complaint immediately to career employees in OSC's Hatch Act Unit, even for a preliminary investigation or inquiry. Instead, according to the complaint, either you or Deputy Special Counsel Renne deliberately assigned the case to yourselves, held on to it until after the election without taking any action at all, and then transmitted it to the career staff in the Hatch Act Unit for handling after the election. The complaint contends that—by contrast—you ordered an immediate on-site investigation of the Kerry matter last August, only days after Sen. Kerry visited the NASA facility. Indeed, an article that appeared in the Washington Post on Sunday, August 1, states that your agency had already formally requested information from NASA about the Kerry town hall meeting, which had been held only few days earlier on July 26, 2004. See Steve Barr, "Kerry Visit Could put NASA in the Hot Seat", Washington Post, August 1, 2004, C2.

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These allegations of disparate treatment are serious ones. Your office is charged with the even-handed enforcement of the Hatch Act, which itself was designed to ensure that partisan political considerations do not affect the government's discharge of its duties. Indeed, given that OSC has exclusive authority to enforce the Hatch Act in the federal government, it is crucial that your agency avoid even the appearance of partisan enforcement of that Act. I am asking, therefore, that you provide a detailed and specific response to the allegations in the complaint regarding the disparate treatment your office afforded in the two cases identified above. I am also interested in OSC's handling of another complaint that I filed on September 24, 2004, regarding a presentation made by certain officials of the U.S. Department of Agriculture, to the annual conference of the American Dairy Products Institute and the American Butter Institute.

In explaining the disparate treatment you allegedly afforded the two complaints, and your investigation of the USDA complaint, I request that you answer the following specific questions, in addition to providing your response to the allegations in the complaint:

A: OSC's Routine Procedures

1. Describe in detail the routine procedure OSC employs for processing incoming Hatch Act complaints, including but not limited to the following:

- a. When a complaint comes in alleging a violation of the Hatch Act, who receives it, to whom is it routed, and for what purpose?
- b. What is the procedure that is used to record the receipt of the complaint?
- c. Who is responsible for recording the receipt of the complaint into the OSC case tracking system and when is that record made?
- d. What is done with the complaint after it is entered into the case tracking system?
- e. When is an official case file established?
- f. Who receives the official case file after a complaint is entered into the case tracking system?
- g. Does the case tracking system record keep track of the location of the official case file?
- h. Is there a policy that determines the priority for investigating Hatch Act complaints; if so what is that policy and who is responsible for assigning the priorities?
- i. Who decides which members of the staff will investigate the complaint.

- j. What standard procedures does OSC follow when it investigates a Hatch Act complaint.
- k. Who decides the when to begin investigating a Hatch Act complaint?

2. Is the procedure for processing incoming Hatch Act complaints different when a member of Congress files the complaint? If so, how?

B. OSC's Handling of the Rice Complaint:

- 1. On what date did OSC receive my October 20, 2004 letter concerning Dr. Rice?
- 2. Describe the handling of my letter beginning with the date it was received and up until the present time, including but not limited to:
 - a. The date the complaint was entered into OSC's case tracking system and who entered it.
 - b. To whom the case was assigned after it was entered into the OSC case tracking system and the date it was assigned.
 - c. All members of OSC's staff who received a copy of the letter and the day they received it.
 - d. Each individual who has been in possession of the official case file since October 20, 2004 and the dates that the file was in their possession.
 - e. Your role and the role of Deputy Special Counsel Renne in handling the my complaint, beginning with the date that OSC received the letter. Specifically, state whether and on what dates you and/or Deputy Special Counsel Renne met with members of OSC's career staff (including but not limited to William Reukauf and/or Ana Galindo Marrone) to discuss my complaint. Is it true that Deputy Special Counsel Renne or another member of your immediate staff maintained possession of the case file until after the Election? If so, why? If not, who had possession of the case file through Election Day?
 - f. The date that the career staff received the case file and were directed to begin working on it.
 - g. The date OSC began an investigation of my complaint.
 - h. The actions that were undertaken to request information or otherwise investigate my complaint including when those actions were taken and by whom. Identify the dates of

all written or oral requests for information and interviews conducted in connection with my complaint.

- i. The current status of the Rice investigation.

3. Explain all deviations from the routine procedures identified above in the handling of my complaint.

C. OSC's Handling of the Kerry Matter

1. On what date did OSC receive a complaint alleging that a violation of the Hatch Act occurred in connection with Senator Kerry's visit to the Kennedy Space Center? If OSC did not receive a complaint, state the basis for OSC's decision to conduct an investigation of the visit.

2. Describe the handling of the allegations regarding Senator Kerry's visit beginning with the date OSC received the complaint or otherwise opened a case file, including but not limited to:

- a. The date the complaint or case was entered into OSC's case tracking system and who entered it.
- b. To whom the case was assigned after it was entered into the OSC case tracking system and the date it was assigned.
- c. When OSC sent out its first request for information and who prepared it.
- d. Who directed the immediate on-site investigation of the allegations regarding the Kerry visit and why was an immediate investigation was ordered.
- e. Your role and the role of Deputy Special Counsel Renne in handling the allegations concerning the Kerry visit, beginning with the date that OSC received the allegations. Specifically, state whether and on what dates you and/or Deputy Special Counsel Renne met with members of OSC's career staff (including but not limited to William Reukauf and/or Ana Galindo Marrone) to discuss the Kerry complaint.
- f. The OSC officials responsible for supervising the investigation of the complaint.
- g. The date OSC began an investigation of the Kerry allegations.

- h. The actions that were undertaken to request information or otherwise investigate the allegations regarding Senator Kerry's visit. Identify the dates of all written or oral requests for information and interviews conducted in connection with the Kerry visit.
- i. The current status of the investigation of the Kerry visit.

3. Explain all deviations from the routine procedures identified above in the handling of the Kerry allegations.

D. The USDA Complaint

1. On what date did OSC receive my September 24, 2004 letter concerning the presentation at the annual conference identified above?

2. Describe the handling of my letter beginning with the date it was received and up until the present time, including but not limited to:

- a. The date the complaint was entered into OSC's case tracking system and who entered it.
- b. To whom the case was assigned after it was entered into the OSC case tracking system and the date it was assigned.
- c. All members of OSC's staff who received a copy of the letter and the day they received it.
- d. Your role and the role of Deputy Special Counsel Renne any other member of your immediate staff in handling my complaint, beginning with the date that OSC received the letter. Specifically, state whether and on what dates you and/or Deputy Special Counsel Renne met with members of OSC's career staff (including but not limited to William Reukauf and/or Ana Galindo Marrone) to discuss my complaint.
- f. The date that the career staff received the case file and were directed to begin working on it.
- g. The date OSC began an investigation of my complaint.
- h.. The actions that were undertaken to request information or otherwise investigate my complaint including when those actions were taken and by whom. Identify the dates of all written or oral requests for information and interviews conducted in connection with my complaint. Identify the individuals who were interviewed.

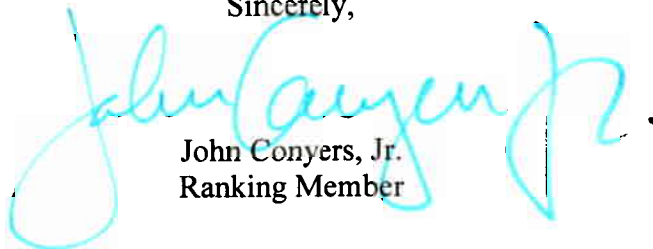
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- i. Identify all individuals responsible for the preparation of the slides that were the subject of my complaint, state whether OSC interviewed those individuals. What did those individuals identify as the purpose of the titles of the slides and the content concerning how to "maximize" votes from dairy states?
- j. Did OSC interview Dr. Salathe; if so, how did he explain the titles of the slides and their content, discussing how to "maximize" votes from dairy states?
- k. Did OSC secure a transcript of the remarks made at the conference; if not, why not?

3. Explain all deviations from the routine procedures identified above in the handling of my complaint concerning the presentation.

Please provide detailed responses to these questions by close of business on Tuesday, April 26, 2005. Also, please reply through Perry Apelbaum or Ted Kalo of my Judiciary Committee staff at 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504; fax 202-225-4423).

Sincerely,



John Conyers, Jr.
Ranking Member